IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 29541 of 1998

Between:

K.Punna Rao, S/o. Sri Veeraiah,
R/o. Mancherial, Adilabad District.

..... PETITIONER

AND

Mancherial Municipality Rep.By its Commissioner,
Mancherial, Adilabad District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and issue a Writ or order or direction more Particularly one in the nature of Writ of Certiorari and quash the proceedings ROC No. 348/G1/98, dated 18-8-1998 issued by the Respondent Municipality being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently direct the Respondent to accord permission in favour of the petitioner for the construction of residential building in the petitioner's plots situated in Revenue Survey No. 208, Block No. 12 of Mancherial Municipality as per law and pass.

Counsel for the Petitioner:MR.VENKATA RANGADAS KANURI

Counsel for the Respondent: MR. POLISETTI RADHAKRISHNA (SC FOR MUNICIPALITY)

The Court made the following:

ORDER:

The present writ petition is filed questioning the proceedings No.348/G1/98 dated 18-8-1998 issued by the Commissioner in directing the petitioner to finalise the suit proceedings in O.S.No.29 of 1997 and to submit the judgment copy for taking necessary action for grant of building permission.

This Court while admitting the writ petition by order dated
25-6-1999 granted interim direction to the respondents to consider the application of the petitioner for construction of residential building.

The sole respondent filed a detailed counter affidavit stating that title dispute is pending over the subject land and that one Mr.Azeemuddin and his two brothers have filed a suit in O.S.No.29 of 1997 on the file of the Subordinate Judge, Asifabad against the petitioner and his wife together with an application in I.A.No.170 of 1997 seeking temporary injunction and the same was dismissed by order dated 21-11-1997. After dismissal of the said application the petitioner made an application dated 3-8-1998 seeking permission to construct the building in Plot No.18, H No. 12-12/GC in block No.12 in Survey No.208 over an extent of 355.55 sq.yards. That the officials of the municipality had made a field survey and found that the subject land is falling in the approved lay out as per D.T.P, Hyderabad T.P.No.24/75. It is specifically stated that the application of the petitioner was considered in terms of interim order of this Court in WPMP No.36131 of 1998 in W.P.No.29541 of 1998 and issued proceedings bearing Roc No.G1/1547/99 dated
2-7-1999 rejecting the building permission, for the following reasons;

1. That admittedly, there is title dispute is pending between Md.Azeemuddin and his two brothers and the petitioner herein in O.S.No.29/97 on the file of the learned Subordinate Judge, Asifabad.

2. As per the sketch plan submitted by the petitioner along with the building application, the site in question is not fall in the approved layout of T.P.No.24/75 as claimed by the petitioner.

3. On the physical verification, the site in question is not tallying with the

site mentioned in the documents filed by the petitioner.

Learned counsel for petitioner submitted that in view of issuance of proceedings Roc No.G1/1547/99 dated 2-7-1999 rejecting the building permission of the petitioner, the petitioner intends to withdraw the writ petition with liberty to challenge the proceedings dated 2-7-1999.

Accordingly, the writ petition is dismissed as withdrawn, granting liberty to the petitioner to challenge the proceedings Roc No.G1/1547/99 dated 2-7-1999 before the appropriate forum. No costs.

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N.V.RAMANA,J

9-3-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. Mancherial Municipality Rep.By its Commissioner,
Mancherial, Adilabad District.

2) 2 CD copies

3) 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

*Form-NIC-OGS/WP{**PRASAD**}*